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C O N F I D E N T I A L CARACAS 001740

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SUBJECT: VENEZUELA'S DETENTIONS RECORD: POLITICALLY
MOTIVATED?

REF: A) CARACAS 00950 B) 03 CARACAS 3161 C) 03
CARACAS 2032

Classified By: POLITICAL COUNSELOR ABELARDO A. ARIAS FOR REASONS 1.4 (B
) AND (D)

SUMMARY

1. (C) More than 400 persons detained during the February 27-March 5 political disturbances have been released, but many still face pending charges. Since December 2002, the detention, or threatened detention, of individuals aligned with the opposition has increased. Some of the persons detained in connection with the events of April 11, 2002 are either still jailed, facing pending charges, or expecting to be charged shortly. Opposition leaders accuse the GOV of using detentions to distract and intimidate them as they seek to focus on a peaceful, electoral solution to Venezuela's political impasse. End Summary.

Prisoners Freed, But Many Cases Still Open

2. (C) The opposition umbrella group Coordinadora Democratica (CD) claimed more than 400 Venezuelans were jailed for political reasons during the height of the February 27-March 5 protests, a number confirmed by various international human rights organizations. At least three judges were dismissed after they ordered the release of detained protesters for lack of evidence to support the charges against them. The head of the CD's Judicial Committee, D,lsa Solorzano, told poloff April 26 that two detainees remain in Caracas. The directors of PROVEA and COFAVIC (human rights NGOs), however, told poloffs subsequently that all detainees have been released, although most remain under investigation for such charges as public damage, resisting arrest, and conspiracy to create "catastrophes."

GOV,s Most Wanted

3. (C) In addition to the more than 400 detentions between February 29 and March 16, the GOV detained or attempted to detain several prominent opposition leaders: Baruta Mayor Henrique Capriles on charges stemming back to President Hugo Chavez, brief ouster in 2002 (septel), Libertador mayoral candidate Carlos Melo on illegal weapons charges, and David Rubio, Tachira State,s main CD organizer, for participating in a protest. The GOV also announced in mid-March that it was preparing charges against Chacao Mayor Leopoldo Lopez for his alleged use of public resources to support dissident military officers in late 2002-early 2003.

Lopez in the Crosshairs

4. (U) Chacao Mayor Leopoldo Lopez of the opposition party Primero Justicia is under investigation for rebellion, instigating unrest, and conspiracy in connection with his alleged support of dissident military officers. Declaring themselves in "civil disobedience" to the Chavez Government, the military officers had established an oppositional presence in Plaza Francia of Chacao Municipality in October 2002. The GOV says in essence that Lopez, as mayor, should have been more forceful in evicting the demonstrators. Lopez, who has not been detained, denies the charges' validity and claims they are meant to intimidate him.

Capriles: Charges Politically Timed

5. (C) On May 11, a second detention order was issued for Baruta Municipality Mayor Henrique Capriles of Primero Justicia (septel). He is now in DISIP custody and could

remain there up to 45 days, according to press reports. On April 1, the Supreme Court struck down the first detention order for the mayor, who had been in hiding since that order

was issued March 16. Capriles had earlier sent his attorneys to three summons by the prosecutor; chavistas allege that Capriles' failure to answer the summons personally explains why he is in jail, and Chacao Mayor Lopez is not. Capriles told the Ambassador April 22 that Chavez' control of the Attorney General's office allows him to control the timing of investigations and arrests, a significant weapon.

Melo Ambushed

16. (C) Shelby Cabezas, aide to Libertador mayoral candidate Carlos Melo, alleges that the GOV was forced to dismiss the case against his boss April 5 after it was exposed as "a complete set-up." He said Melo was "ambushed" March 1 by Venezuelan Political Police (DISIP) at a gas station around 11 p.m., accused of transporting arms, and jailed the same night. The following day Cabezas retrieved the gas station's surveillance tape that contradicted the prosecution's assertions that Melo had arms in his car, resisted arrest, and was arrested in a different location. Cabezas asserted that the GOV's handling of Melo's case was a tactical error that had bolstered Melo in the polls from 4 percent to 45 percent.

Rubio: Attempt to &Decapitate8 Tachira Opposition Backfires

17. (C) Although Tachira State CD leader David Rubio was released from jail April 2, he told poloff April 17 that the ruling didn't dismiss the charges against him of rebellion, creating a public disturbance, and engaging in a crime. Primero Justicia (PJ) Party Finance Coordinator Sergio Mendez told poloff April 16 that although the intent in jailing Rubio was to &decapitate the Tachira Coordinadora8 to ensure the opposition stayed divided in regional elections, it failed.

General Martinez and the Tachira 9

18. (U) Dissident National Guard Gen. Carlos Alfonzo Martinez remains in custody, more than 16 months since he was detained in December 2002. A small group of opposition demonstrators marched to the OAS Caracas office May 6 calling for his release and the release of nine opposition leaders in Tachira State who were detained in June 2003 on charges stemming back to the events of April 11, 2002 (refs A and B). The DISIP detained Gen. Martinez in December 2002 while he was participating in an anti-GOV demonstration and placed him under house arrest. In February 2003, the Attorney General charged him with rebellion, desertion, and violating national security zones. After eight months of house arrest, Martinez was transferred to a military detention facility in Los Teques, Miranda State. Despite 2003 rulings from the Supreme Court and the Inter-American Human Rights Court that he should be released, Martinez remains in the detention facility.

Comment

19. (C) The good news: February 27-March 5 protesters are not languishing in jail. The bad news: The GOV continues to use legal charges against its opponents, sapping energy from efforts to pursue the presidential recall referendum. Despite the GOV's veneer of reasonable legality, however, it is not adhering to legal procedures, which makes it difficult to view the detentions of political opponents as anything other than politically motivated.
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